

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PAULA WETZEL, et al.,

CASE NO. C16-1160JLR

Plaintiffs,

V.

## CERTAINTEED CORPORATION,

ORDER REGARDING  
RENEWED MOTION FOR  
CLASS CERTIFICATION

Defendant.

Before the court is the parties' joint status report. (JSR (Dkt. # 183).) In the joint report, Plaintiffs Paula Wetzel and Joel Wetzel "request permission to file a motion for class certification, in which they will seek to certify a narrower class composed of persons who, like Plaintiffs, currently own or owned homes in Washington CertainTeed Landmark 30 shingles manufactured at the Portland plant between January 1, 2004, and June 30, 2007, and are or were the third or later generation of s." (*Id.* at 2.) Plaintiffs also seek to reopen class discovery on issues "raised in the

## ORDER - 1

1 [c]ourt’s March 25, 2019, order” concerning the appropriateness of class certification  
2 under Federal Rule of Civil Procedure 23. (*Id.* at 3); *see also* Fed. R. Civ. P. 23.

3       Although Plaintiffs may file a renewed motion for class certification if they deem  
4 such a motion to be appropriate, *see* Fed. R. Civ. P. 23(c)(1)(C) (“An order that grants or  
5 denies class certification may be altered or amended before final judgment.”), the court  
6 declines to further extend the deadline for class certification discovery. The court  
7 initially set a deadline to complete class certification discovery by December 15, 2017.  
8 (5/2/17 Sched. Order (Dkt. # 25) at 1.) In response to the parties’ stipulated motion, the  
9 court extended that deadline to April 13, 2018. (12/13/17 Sched. Order (Dkt. Entry on  
10 12/13/17).) On April 23, 2018, in response to Plaintiffs’ motion, the court again extended  
11 the class certification discovery deadline to July 12, 2018. (4/23/18 Sched. Order (Dkt.  
12 # 91) at 1.) Plaintiffs have not shown that any further delay in this case for purposes of  
13 conducting additional class certification discovery is warranted (*see generally* JSR), and  
14 accordingly, the court DENIES the request.

15       Finally, in their joint status report, Plaintiffs state that they “anticipate filing a  
16 renewed motion for class certification on October 31, 2019.” (JSR at 2.) The court  
17 scheduled the trial of Plaintiffs’ remaining Consumer Protection Act claim to begin on  
18 November 2, 2020. (6/27/19 Sched. Order (Dkt. # 184) at 1.) Given this trial date, the  
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1 court will hold Plaintiffs to the deadline they propose for any renewed class certification  
2 motion and ORDERS Plaintiffs to file any such motion no later than October 31, 2019.

3 Dated this 3rd day of July, 2019.

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7 JAMES L. ROBART  
8 United States District Judge  
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